

Town Of Austerlitz
Regular Town Board Meeting
June 18, 2020

The June 18, 2020 Town Board Meeting was held via Zoom in accordance with the Governor's Executive Order 202.1. Meeting instructions were on the Town website.

Present via Zoom: Robert Lagonia, Supervisor, Greg Vogler, Maureen Wilson, Jere Wrightsman, Chris Schober, Town Board Members and Susan Haag, Town Clerk. Attorney for the Town, Joseph Catalano was also present via Zoom.

Town Highway Superintendent Robert Meehan unavailable due to Zoom.

Town Board Meeting called to order at 7:03 p.m.

Moment of Silence, followed by the Pledge of Allegiance.

Minutes

A motion to accept the May 21, 2020 Town Board Meeting minutes was made by C. Schober and seconded by J. Wrightsman

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Auditing of Accounts and Claims

Supervisor Lagonia noted that the June abstracts were sent to the Town Board Members for review. If any of the Town Board Members would like to see and sign the actual vouchers, please make arrangements with Town Clerk Haag.

A motion to authorize payment of the June General Fund, #147-172, in the amount of \$22570.17 and Highway Fund, #113-133, in the amount of \$40080.11 was made by G. Vogler and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Reports

Monthly Cash Disbursement and Supervisor Report

Monthly Cash Disbursement Report for the Month of May 2020 submitted. Supervisor Lagonia advised that all accounts but one have been closed at Kinderhook bank and the money

transferred to Greene County Bank. The Town is waiting to see how the effects of COVID will affect different budget line items. Sales tax is down in the County so the Town's portion should be lower. Not sure yet with fines and forfeitures. Mortgage tax income might not be bad because houses are continuing to sell. Each Town department is trying to watch spending so overall appropriations are not too bad. Supervisor Lagonia is planning for a deficit though. Town Board Member Schober questioned what percentage will sales tax be down. Supervisor Lagonia noted that the County sales tax is down roughly 35%. The first 2 quarters were good though so let's see how it shakes out. Building Inspector fees are down, but construction is starting to pick up so this line may rebound. Supervisor Lagonia spoke with Historian Tom Moreland concerning the money he was spending for old Town Hall Historical project. Historian Moreland will halt the project for now but did mention that there may be some in the community who would like to donate towards this project.

Restaurants are now open to the public both inside and out since the Capital District is in Phase 3. Business is still slow though as people are adjusting to businesses being back open. Supervisor Lagonia feels that New York is doing a good job handling the reopening process. The community spread in Columbia County is very low. Daily COVID meetings on the County level have decreased to 3 a week. This helps because Supervisor Lagonia has been extremely busy on a County level. 50% of the County workforce is back to work and they are opening up slowly to the public. Supervisor Lagonia is Chair of the Committee that put the reopening plan in place. Some of the public is cooperating with the new guidelines and some are not, especially wearing masks. There are different types of masks and some of them are challenging to wear. Generally, when going to work or entering a building, temperatures are taken, masks must be worn, people must social distance and there is one way in and one way out. PPE is much easier to get now than in the beginning. Supervisor Lagonia still has plenty of hand sanitizer and face masks if anyone in the Town needs them.

Supervisor Lagonia advised that the Air Conditioning at the Town Hall has been fixed. The multi-use court at the Town Park is open, but only allowing 2 on the court at a time. The playground area can be opened up now, but Supervisor Lagonia would like to keep it closed for a while. The Town of Austerlitz has had no positive cases of COVID and he would like to keep it that way. Maybe they could be opened up by July 1st. Town Clerk Haag, Building Inspector Smith and Assessor Cook will be working back in the Town Hall June 22nd and the public will be allowed back in June 29th. Town Clerk Haag has been working from home and has been doing a great job. The Highway Crew will be putting up plexi-glass in the Town Clerk window area and anyone coming into the Town Hall must wear masks. There will be a procedural plan in place that Supervisor Lagonia and Town Clerk Haag have been working on. New cleaning procedures have already been implemented per CDC guidelines.

Town Board Member Vogler questioned if there will be a limit of how many people can be in the Town Hall at one time. Supervisor Lagonia noted that to start admittance might be by appointment only or just allowing one person in at a time. The Town normally doesn't have that many people in at one time so these details are still being worked out.

Supervisor Lagonia noted that the Town will probably continue to conduct Town Meetings via Zoom for the next couple of months if the Governor continues to allow this. Much of this

depends whether or not the virus spreads or flares again. There is no need to expose anyone unnecessarily. Member Vogler asked if it was true that the higher COVID numbers are coming from nursing homes. Supervisor Lagonia advised that most are coming from nursing homes. The community spread is very low and residents in Columbia County and County Leaders have been doing a great job to make this happen. As long as people continue to use hand sanitizer and wear masks, the County should continue to see positive results.

Supervisor Lagonia and Town Board Member Wrightsman have been working together to try and get somewhere with having broadband available to Town residents who need it. There still is not much information to be disseminated though and it is hard to get any answers. Still no idea what the actual cost would be to put in broadband services for a group of residents on any given road. If school does not start up inhouse in September, this will be an issue for many. There are groups of residents who want to have broadband extended in their area, but information on how this happens and how much it will cost is not forthcoming. Member Wrightsman hand delivered his contact information to many residences in Town so he could compile a list of people interested in trying to move forward with getting broadband in their area.

Highway Report

Highway Superintendent Meehan was not in attendance because he does not have a computer. Supervisor Lagonia advised that the Strawberry Hill Bridge and the Bryarcliffe culvert projects are waiting on others to move forward. Many offices have been closed due to COVID such as the Army Core of Engineers and the NYSDEC. Engineer for the Town, Ray Jurkowski has the engineering portion of both projects complete, but need the Army Core of Engineers' and the NYSDEC's approval to begin work. If these approvals do not come soon, these projects will be put off until next year. There is a limited time frame for work to be done in stream beds. This time might be extended due to COVID, but the Town will have to wait and see.

Supervisor Lagonia questioned Engineer Jurkowski as to whether or not either of these 2 culverts could wait a year for the needed repairs. Engineer Jurkowski advised that they could, but Highway Superintendent Meehan should check the Bryarcliff culvert on and off.

Supervisor Lagonia advised that the Town should receive 80% of the C.H.I.P.s funding this year. Supervisor Lagonia discussed projects listed on the Highway Form 284, money available and how to proceed getting these projects completed. Discussions have taken place with Highway Superintendent Meehan and Engineer Jurkowski.

Highway Superintendent Meehan was able to secure millings from work the NYSDOT had done in our area. These are free to the Town and will be used on some of the Town roads.

Member Schober questioned if oil and stoning was going to be done inhouse and was advised by Supervisor Lagonia that Peckham would come in and do this work.

Supervisor Lagonia advised that a more comprehensive discussion will happen once he has all the information needed to make decisions.

Supervisor Lagonia advised that there is a tree in front of the Spencertown Academy that needs to be taken down and according to the contract the Town has with the Academy, it is the Town's responsibility to take care of this. Unfortunately, like many other things, it is very hard to get pricing for this because of COVID.

Peckham has been putting down calcium for the Town to help with dust control. It has been dusty since the Town has not had that much rain lately. Member Wrightsman noted that in past years calcium has only been placed in front of houses that are right on the road. This year, it has been placed on the entire road and J. Wrightsman wondered if this should be done like in years past. Supervisor Lagonia advised that Peckham is contracted to just lay the calcium on a certain number of miles.

Supervisor Lagonia noted that there have been a number of complaints concerning speeding on the back roads. It was noted that the Town currently has extra people in the Town due to COVID. The Town's speed warning sign will be moved to different locations throughout the Town. Member Schober noted that School House Road has seen increased traffic and speeding because of the county bridge replacement project that is detouring the traffic to School House Road. Supervisor Lagonia will have the Enhanced Patrol sit on School House Road.

Supervisor Lagonia noted that he has heard from several that many tickets have been given out in the Hamlet of Spencertown for speeding. R. Lagonia understands that tickets were given for speeds just a little over the speed limit. R. Lagonia wants the Hamlet to be safe, but what is happening seems excessive.

Member Wrightsman questioned if the Highway Department was still using the same material on Beale Road because he is still seeing very sharp stones. R. Lagonia does not believe so.

Supervisor Lagonia asked Attorney for the Town, Joseph Catalano, the status of the easements for the Harvey Mountain Road project. Attorney Catalano advised that there has been no change in the last couple of months. The Town still has not made contact with the one property owner. If no contact can be made, the Town would have to use eminent domain proceedings. Supervisor Lagonia asked the cost of this. Attorney Catalano explained that this kind of proceeding is time consuming, would include a public hearing, an appraisal, etc. The cost would be a few thousand dollars and take a good 4 months to complete. Supervisor Lagonia directed Attorney Catalano to make one last effort to contact the property owner and if the Town can not make contact, it might have to move forward with eminent domain proceedings. The project must be completed because to many other properties are being flooded.

Town Board Member Wilson asked if anyone has spoke with the neighbors. Supervisor Lagonia advised that Highway Superintendent Meehan has tried to watch for anyone on the property and there has been no activity at the property in a very long time.

Town Clerk Report for the month of May 2020 submitted.

Tax Collector Report for the month of May 2020 submitted. Town Clerk Haag noted that numbers are in line from last year. The books were handed over to the County and all was in order.

A question arose concerning the status of the Zancanato property demolition and recouping the money the Town put out for this. Attorney Catalano advised that the Town did not recoup this money and there is no hope for the future. The County was not very cooperative in helping the Town with this and refused to put a tax lien on the property. The initial information Attorney Catalano received from the County was to our detriment.

No Planning Board Report for the month of May 2020 submitted. The Planning Board has not met.

No Comprehensive Plan Oversight Committee Report for the month of May 2020 submitted.

Building Inspector/Code Enforcement Report for the month of May 2020 submitted.

No Justice Grubin Justice Court Report for the month of May 2020 submitted.

Justice Cassuto Justice Court Report for the month of May 2020 submitted.

Dog Report for the month of May 2020 submitted.

Climate Smart Report

Town Board Member Greg Vogler reported that the Climate Committee met last night and discussed the signed contract concerning the solar panels on the Highway Garage roof, communication with NYSERDA, work on website, EMC, the new Town FaceBook account, etc. Member Wilson advised that the FaceBook page is in the beginning stage and she sent the Town Board a preliminary look. There will be a meeting next week to iron out some of the issues.

A motion to accept the monthly reports was made by J. Wrightsman and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Correspondence

Housatonic Valley Association: Requests a \$250.00 appropriation in annual budget for a municipal membership. The Town Board will consider, but the policy has always been not to donate.

Budget paperwork will be going out to departments for the 2021 budget. Supervisor Lagonia needs to get a handle on where we are with this year's budget due to COVID.

Unfinished Business

New Town Hall Update

Discussed.

New Business

Highway Superintendent Position

Supervisor Lagonia and Town Board Member Vogler have been discussing making the Highway Superintendent position an appointed position instead of an elected position. Under an elected position, the Town Board has no control over this position except through budgetary issues. Highway Superintendent Meehan has discussed retiring after his current term and the thought was this was a good time to make any changes before a new term began.

Attorney Catalano reported to the Town Board that the Town Board does have the power to abolish the elected Highway Superintendent position and make it an appointed position. This would be done through a local law subject to a mandatory referendum. If the proposition passed with a 50% plus one vote, the local law would then be in effect and the change would take effect at the end of the current Highway Superintendent term of 12/31/21.

There is not much time if the Town Board would like to have this proposition on the November 2020 ballot. The local law would have to be passed 60 days beforehand which would include a public hearing. Attorney Catalano described the process and time frames that needed to be hit.

The Town board is allowed to waive certain stipulations in the local law such as a residency requirement and it can dictate the job duties, although most towns who have changed this Town Office have referred to the elected Superintendent's duties. The Town Board would have much more control over this position and there would be more accountability to the Town Board. The Town Board would interview and hire for this position.

Town Board Member Wrightsman asked how this would fly politically. Supervisor Lagonia feels this move makes a lot of sense and notes that it will be put to a vote so it would be a community decision. Board Member Vogler noted that current Highway Superintendent Meehan is looking into retiring so this would be a good time to make the change.

Town Board Member Schober would like someone living in the Town to be in this position. C. Schober questions how much of an extra burden it would be on the Town Board for managing this position. Member Vogler noted that appointing someone could give the Town Board options outside the Town residency requirements. The roads are the primary concern. If there was someone in Town qualified for this position, G. Vogler would like to have someone in Town. How much the Town Board would be involved would be determined as the Board moved forward with this option.

Supervisor Lagonia noted that it would be more work for the Town Board. Currently Superintendent Meehan works well with the Town Board, but R. Lagonia would like to have more departmental oversight. R. Lagonia would look for someone who is more in tune with the budget, who would put together a road plan and run the department. Member Schober questioned if this would come with an increase in pay scale. Supervisor Lagonia advised that the

Town Board would allocate funds for the position based on what is reasonable for the area. The pay scale could be higher.

Town Board Member Maureen Wilson wondered if Highway Superintendent Meehan was aware that this change was being considered. In addition, M. Wilson questioned if there would be a public meeting for the Town Board to explain why they are putting this change forth. Attorney Catalano advised that the local law requires a public hearing. Supervisor Lagonia advised that R. Meehan is aware of this and it has come up because R. Meehan has discussed retiring.

Attorney Catalano advised that there is no rush to move forward if the Town Board would like to do a special election, but this would entail much more work. If the Town Board wants to have this proposition on the November ballot, it should be a good voter turnout because it is a Presidential election. The public hearing for the local law may have to happen via Zoom depending on COVID gathering restrictions at the time. This would happen at the August Town Board meeting. Supervisor Lagonia would like a lot of communication concerning this change with the Town residents.

Member Wrightsman asked if other Towns have appointed Highway Superintendents. Attorney Catalano noted that it was not uncommon. Attorney Catalano knows of 3 towns who did away with the elected position in 2019 and feels that about 20% of towns in New York State function this way. Supervisor Lagonia feels more Towns will be heading in this direction.

There was a general consensus of the Town Board to move forward with this change. The Town Board can use next year to define the position and the parameters, hire someone and develop policies if passed by the voters in November.

Member Schober asked if this would be a civil service position or an exempt position. Attorney Catalano noted that usually department heads are exempt, but the Town Board can decide how they would like this to go. The general consensus of the Town Board was for this to be an exempt position.

Discussion was heard on appointment term lengths and termination requirements. Attorney Catalano noted that the Town Board can not fire someone during an appointed term for no reason, but can certainly terminate for good cause. There are rules that govern how this process works. Normally if a Town wants to terminate it would just wait until the term is complete and not reappoint. Attorney Catalano advised that this position should come with a term because in order to find and retain good people, they need to feel a sense of job security. Attorney Catalano will research term lengths and if a town must include a term, otherwise the Town could use a term of one year to start.

Attorney Catalano will draft a local law and put together a list of procedures for the next Town Board meeting.

It was noted that Town Board Member Wrightsman lost connection at 8:22 p.m. and regained connection at 8:26 p.m.

Member Schober questioned Supervisor Lagonia if the County was going to make any changes due to Black Lives Matter. Supervisor Lagonia advised that the Governor needs to give guidance on this and he has yet to do so. The County will form a committee and the Columbia County Sheriff is open to discussion. Policies are being looked at.

Public Comments

Steve Hay, via Zoom chat, noted that he could speak concerning eliminating positions since he was involved in this as an assessor. Supervisor Lagonia stated that he should come to the public hearing.

Adjournment

A motion to adjourn was made by C. Schober and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Meeting adjourned at 8:26 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk